REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, claims 1-7 have been amended. Claims 8-11 have been added. No new matter is believed entered. As such, it is now respectfully submitted that each of the claims 1-11 are in condition for allowance.

Claims 1-6 were objected to for allegedly containing a typographical and/or grammatical error. Specifically, the Examiner objected to the phrase "in case of blocked air stream." This phrase has been deleted. As such, the objection is believed to be moot. Withdrawal of the objection to claims 1-6 is respectfully requested.

Claims 4-7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner cites the limitation "the heated air" in claim 4 as lacking antecedent basis. Applicant has amended claim 4 to address this issue. Accordingly, the rejection has been addressed, and withdrawal of the rejection is requested.

The Examiner further cited the limitations "air" and "air stream" in claims 1, 5, and 7 as rendering the claims indefinite. Accordingly, claims 1, 4, 5, and 7 have been amended to more clearly define the "air" and "air stream". Specifically, claim 1 has been amended to state "air stream" while claims 5 and 7 now state "heated air". Accordingly, the rejection has been addressed, and withdrawal of the rejection is requested.

The Examiner also cited claim 6 as being indefinite for stating "the opening (31) is placed on the side of the fan housing (24) that is facing towards the back of the operator." This limitation has been deleted from claim 6. As such, the rejection is believed to be moot. Withdrawal of the rejection of claim 6 is respectfully requested.

It is believed that the Applicant has addressed each of the issues raised by the Examiner in rejecting claims 4-7 under 35 U.S.C. § 112, second

paragraph. As such, withdrawal of the rejection of claims 4-7 is respectfully requested.

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlberg (U.S. 2002/0166195) in view of Whitney (U.S. 6,308,375). Claim 1 has been amended to state "the fan housing (24) is provided with an opening (31) positioned adjacent to the fan wheel (21) and in a location such that the air stream from the air inlet of the casing can pass the engine even if the fan housing (24) or the blower tube (14) is blocked." Neither of the references teaches such structure.

The Examiner concedes on Page 5 of the Office action that Dahlberg fails to teach an opening positioned adjacent to the fan wheel in the fan housing. As such, the Examiner relies on Whitney to teach the above cited structure.

In distinction, the Examiner alleges that the claimed fan housing is equivalent to the exhaust portal 23 and exhaust conduit 20 of Whitney. Applicant respectfully disagrees. In distinction, the exhaust portal 23 and exhaust conduit 20 should be compared to the blower tube 14 and/or the outlet pipe 25 of the present invention. Furthermore, the Examiner alleges that the claimed opening 31 is equivalent to the opening 34 in Whitney. Again, applicant respectfully disagrees. Instead, the opening 34 in Whitney should correspond to the air outlet of the blower tube 14. The fan housing 24 of the blower surrounds the fan wheel 21 in a close-fitting manner and does not include any parts that extend a substantial distance from the fan wheel, i.e., it does not include the blower tube 14 or the outlet pipe 25.

Additionally, Whitney teaches that the openings/relief vents 21 are placed downstream of the alleged fan housing (blower 24). Overheating of the engine would not be prevented if there was a blocking of the air stream between the openings and the fan or in the fan housing (surrounding the fan), which would correspond to a blockage in the blower tube or in the fan housing of the present invention.

As described in the detailed description, the purpose of the opening 31 is to ensure that "...the engine 20 and components inside the casing 11 will be

cooled even though the fan housing 24 or the blower 14 is blocked." The opening 31 is, as can be seen from the figures, therefore placed at a location in the fan housing 24, which is above the engine 20, and therefore allows air to pass the engine even if the air stream in the blower tube or the fan housing is blocked. The opening 31 is also, as can be seen from the pictures, located close to the periphery of the fan wheel and close to the fan inlet. This way, a stream of cooling air can pass the engine even if there is a blockage in the fan housing 24 or in the blower tube 14. In distinction, in Whitney, a cooling air stream would not pass the engine because of the relief vents 21, if the air stream was blocked somewhere upstream from the relief vents 21.

Accordingly, at least for these reasons, Dahlberg in view of Whitney fails to teach the structure of amended claim 1. Applicants respectfully request withdrawal of the corresponding rejection of amended claim 1.

Claims 2-7 depend from independent claim 1 that is believed to be in condition for allowance as set forth above. Accordingly, Applicants respectfully request withdrawal of the corresponding rejection of claims 2-7 as depending directly or indirectly from allowable claim 1.

As mentioned claim 8-11 have been added. These claims present some additional points of distinction.

For example claim 8 states, "heated air passes through the opening (31) in the fan housing (24) when a blockage is formed anywhere downstream from the fan wheel (21)." Neither of the cited references, either alone or in combination, teach such structure.

The Office action concedes that Dahlberg fails to teach the fan housing being provided with an opening positioned adjacent to the fan wheel in the fan housing. As such, the Examiner relies on Whitney to teach the above cited structure.

In distinction, Whitney teaches the blower exhaust conduits 20 including upward facing exhaust portals 23 of blower 24. The conduit 20 includes a pressure relief vent 21 positioned along the conduit 20 upstream from a collector bag 31. The Examiner alleges on Page 5 that Whitney teaches the claimed fan

wheel (blower 24), fan housing (conduit 20 and exhaust portals 23), and opening (opening 34 and vent 21). However, a blockage can form downstream from the alleged fan wheel 24, but upstream from the opening 34 and vent 21, such as adjacent to the carrying latches 22. Accordingly, air would not pass through the opening 34 or vent 21, since the air downstream from the blower 24 would be blocked. Furthermore, Whitney teaches that the opening 34 and vent 21 are "preferably formed in the curved delivery conduit's lower wall near the smallest radius of curvature on the "inside" of the curve" which leads to a minimum of scattering debris. See Col. 2, lines 4-6. As such, Whitney teaches providing the opening 34 and 21 near the collector bag 31 and downstream from the blower 24.

Therefore, at least for these reasons, Whitney fails to teach the above cited structure, specifically "heated air passes through the opening (31) in the fan housing (24) when a blockage is formed anywhere downstream from the fan wheel (21)." As such, claim 8 is believed to be in condition for allowance.

As another example claim 11 states, "wherein the exit opening (19) is positioned between the casing (11) and an outlet pipe (25), further wherein the opening (31) is positioned pointing towards the exit opening (19)." Neither of the cited references, either alone or in combination, teaches such structure.

In distinction, Dahlberg discloses an opening 23 positioned on a rear of the casing 20. This opening 23 is not positioned "between the casing (11) and an outlet pipe (25)." Further, the Examiner concedes that Dahlberg fails to teach the opening (31). Similarly, Whitney also fails to disclose the structure of claim 11. Instead, Whitney teaches a relief vent 21 positioned underneath the conduit 20. Whitney does not teach, nor does the Examiner allege that it teaches, a casing (11) or outlet pipe (25).

Therefore, at least for these reasons, neither Dahlberg nor Whitney teaches the above cited structure of claim 11. As such, claim 11 is believed to be in condition for allowance.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby

requested. if it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE1-40373.

Respectfully submitted,

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